

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 2380 West Lake Brantley Road – Jerry & Susan Baughman, applicant;
Request for a water front yard setback variance from 30 feet to 20 feet for
a covered screen porch in R-1AA (Single Family Dwelling) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/07/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a water front yard setback variance from 30 feet to 20 feet for a covered screen porch in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a water front yard setback variance from 30 feet to 20 feet for a covered screen porch in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Jerry & Susan Baughman</p> <p>Location: 2380 West Lake Brantley Road</p> <p>Zoning: R-1AA (Single Family Dwelling) district</p> <p>Subdivision: Lake Brantley Isles 1st Add</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a covered screen porch that will encroach 10 feet into the required 30-foot water front yard setback. • The water side yard is measured from the existing seawall and because of the jog in the seawall this necessitates a variance for a portion of the covered screen porch. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

Reviewed by:

Co Atty: AS

Pln Mgr: AS

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the covered screen room as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU2009-102
Meeting Date 12-7-09



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: JERRY & SUSAN BAUGHMAN

Address: 2380 WEST LAKE BRANTLEY DRIVE ROAD City: LONGWOOD Zip code: 32779

Project Address: 2380 WEST LAKE BRANTLEY DRIVE ROAD City: LONGWOOD Zip code: 32779

Tax Parcel number: 05-21-29-501-0000-0030

Contact number(s): (321) 239-0967

Email address: N/A

ROB WASSUM 321-246-0595
PLACARD PICKUP

Is the property available for inspection without an appointment?

☐ Yes ☒ No If gated please provide a gate code to staff.

What type of structure is this request for?

<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>SCREENED PORCH</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?

<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	

Use below for additional yard setback variance requests:

<input checked="" type="checkbox"/> <u>NHW</u> yard setback	Required setback:	<u>30'</u>	Proposed setback:	<u>20'</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	

☒ Total number of variances requested 1

NHW - NORMAL HIGH WATER SETBACK

Signed: _____

Date: OCTOBER 8, 2009

FOR OFFICE USE ONLY

Date Submitted: 10-9-09

Reviewed By: P. Johnson

Zoning/FLU R-1A-1 LOR

☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)

☐ Platted Lot (check easements as shown on lots, in notes or in dedication)

☐ Lot size _____ ☐ Meets minimum size and width

☐ Application and checklist complete

Notes: _____

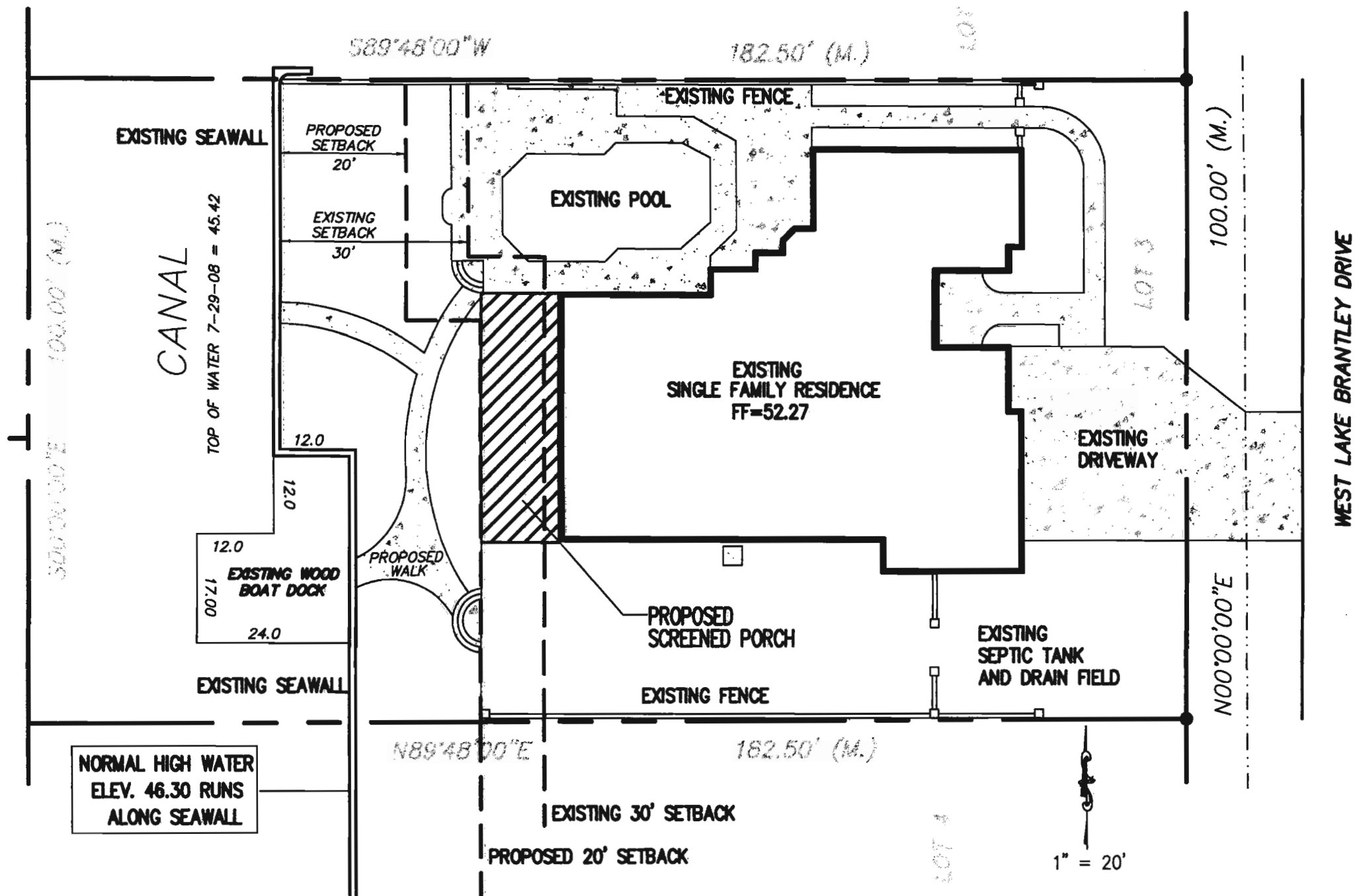
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drain field and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



NORMAL HIGH WATER
ELEV. 46.30 RUNS
ALONG SEAWALL







WEST LAKE BRANTLEY DRIVE

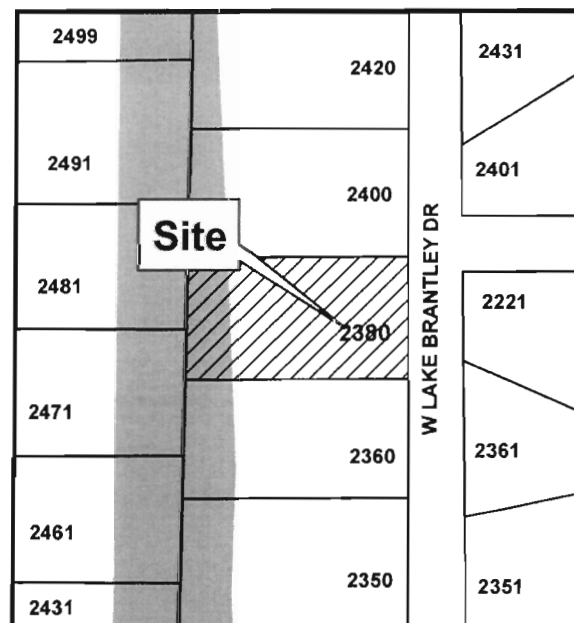
Jerry & Susan Baughman
2380 West Lake Brantley Drive
Longwood, FL 32779



Seminole County Board of Adjustment
December 7, 2009
Case: BV2009-102 (Map 3154 Grid D2)
Parcel No: 05-21-29-501-0000-0030

Zoning

-  BV2009-102
-  R-1AAA
-  R-1AA
-  R-1A
-  R-1
-  PUD



SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- ☒ Individual ☐ Corporation ☐ Land Trust
- ☐ Limited Liability Company ☐ Partnership
- ☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
JERRY BAUGHMAN	2380 W. LAKE BRANTLEY DRIVE	(321) 239-0967
SUSAN BAUGHMAN	LONGWOOD, FL 32779	(321) 239-0967

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
N/A			

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: N/A

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST
N/A			

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST
N/A		

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: N/A

NAME	ADDRESS	% OF INTEREST
N/A		

Date of Contract: N/A

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

OCTOBER 8, 2009.

Date

STATE OF FLORIDA
COUNTY OF SEMINOLE

Owner, Agent, Applicant Signature

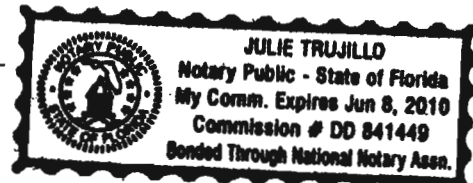
Sworn to (or affirmed) and subscribed before me this 8 day of OCTOBER, 2009 by JERALD BAUGHMAN

Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known X OR Produced Identification _____

Type of Identification Produced _____



For Use by Planning & Development Staff

Date: _____ Application Number: _____

R1AA

Personal Property Please Select Account

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-608-7806																																																					
GENERAL Parcel Id: 05-21-29-501-0000-0030 Owner: BAUGHMAN JERALD L & SUSAN Mailing Address: 2380 W LAKE BRANTLEY RD City, State, Zip Code: LONGWOOD FL 32779 Property Address: 2380 LAKE BRANTLEY RD W LONGWOOD 32779 Subdivision Name: LAKE BRANTLEY ISLES 1ST ADD Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2005) Dor: 01-SINGLE FAMILY		VALUE SUMMARY <table border="1"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$137,428</td> <td>\$152,427</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$10,362</td> <td>\$10,813</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$136,000</td> <td>\$163,200</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$283,790</td> <td>\$326,440</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$14,651</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$283,790</td> <td>\$311,789</td> </tr> </tbody> </table> <p>Tax Estimator 2009 Notice of Proposed Property Tax</p>		VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$137,428	\$152,427	Depreciated EXFT Value	\$10,362	\$10,813	Land Value (Market)	\$136,000	\$163,200	Land Value Ag	\$0	\$0	Just/Market Value	\$283,790	\$326,440	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$14,651	Assessed Value (SOH)	\$283,790	\$311,789																	
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NOTE: Appendage Codes Included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base

*Semi Finished***Permits**

EXTRA FEATURE				
Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1984	1	\$600	\$1,500
POOL GUNITE	1991	512	\$5,632	\$10,240
COOL DECK PATIO	1991	608	\$1,170	\$2,128
BOAT HOUSE	1995	180	\$634	\$1,440
BOAT DOCK	1995	220	\$484	\$1,100
SEAWALL	1995	400	\$1,842	\$2,400

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On 12/07/09, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 LAKE BRANTLEY ISLES 1ST ADD PB 10 PG 22

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Jerald L & Susan Baughman
2380 W Lake Brantley Rd
Longwood FL 32779

Project Name: W Lake Brantley Rd (2380)

Requested Variance:

Water front yard setback variance from 30 feet to 20 feet for a covered screen porch in R-1AA (Single Family Dwelling) district.

Approval was sought to construct a covered screen porch within the rear yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On 12/07/09, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 LAKE BRANTLEY ISLES 1ST ADD PB 10 PG 22

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Jerald L & Susan Baughman
2380 W Lake Brantley Rd
Longwood FL 32779

Project Name: W Lake Brantley Rd (2380)

Variance Approval:

Water front yard setback variance from 30 feet to 20 feet for a covered screen porch in R-1AA (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The variance granted will apply only to the covered screen porch as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

